

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KIM CROOMS,

Plaintiff,

-against-

**STIPULATION      AND  
ORDER              OF  
SETTLEMENT       AND  
DISMISSAL**

THE CITY OF NEW YORK, POLICE OFFICER  
DAVID J. LUPPINO (Shield no. 06025), POLICE  
OFFICER NOREEN KELLY (Shield no. 07662),  
POLICE OFFICER JANE DOE,

Defendants.

06 CV 8133 (WHP)

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DATE FILED: 2/2/07

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**WHEREAS**, plaintiff commenced this action by filing a complaint on October 4, 2006, alleging violations of her civil rights; and

**WHEREAS**, defendants City of New York, David Luppino, and Noreen Kelly have denied any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff the sum of Twenty-Four Thousand Five Hundred Dollars (\$24,500.00) in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum,

plaintiff agrees to dismissal of all of the claims against the named defendants and to release the defendants, and any present or former employees or agents of the City of New York, the New York City Police Department, and any other agency of the City of New York, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorneys' fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.


5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

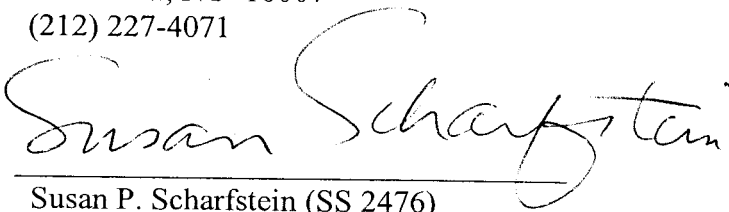
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
1/24, 2007

RICHARD J. CARDINALE, ESQ.  
Cardinale & Marinelli  
26 Court Street, Suite 1815  
Brooklyn, NY 11242  
(718) 624-9391

MICHAEL A. CARDOZO  
Corporation Counsel of the City of  
New York  
Attorney for Defendants  
100 Church Street  
New York, NY 10007  
(212) 227-4071

By:   
Richard J. Cardinale (RC § 507)

By:   
Susan P. Scharfstein (SS 2476)

SO ORDERED: January 30, 2007

  
WILLIAM H. PAULEY, U.S.D.J.